IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12434 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE M.R. SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SARPANCH

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 12434 of 2003

MR BB NAIK for Petitioner No. 1

MS JIRGA D JHAVERI for Petitioner No. 1

GOVERNMENT PLEADER for Respondent No. 1-4

MR MEHUL H RATHOD for Respondent No. 5

CORAM : HON'BLE MR.JUSTICE M.R. SHAH

Date of decision: 24/08/2004

ORAL JUDGEMENT

Rule. Mr.Kunjal Pandya, Ld. AGP waives service of

rule on behalf of the respondent nos.2 to 4. Mr.M.H.Rathod, Learned Advocate waives service of rule on behalf of the respondent no.5. With the consent of the parties, the matter is taken up for final hearing today.

2. In this petition under Article 226/227 of the Constitution of India, the petitioner has challenged the legality and validity of the order passed by the Secretary (Appeals), State of Gujarat dated 14/18.8.2003 passed in Revision Application No.68 of 2003 in granting the order of stay of the order passed by the Collector during the pendency and final hearing of the revision application. When the matter is called out, there is a consensus between the parties to the effect that as the revision application is pending before the Secretary (Appeals) and the order dated 14/18.8.2003 is stayed by this Court, the parties may be directed to maintain status quo until the revision application is heard and decided and disposed of by the Secretary (Appeals), and an appropriate order be passed directing the Secretary (Appeals) to decide and dispose of the revision application as early as possible. Considering the aforesaid facts and circumstances and the consensus between the parties, the Secretary (Appeals), Revenue Department, State of Gujarat, Ahmedabad is directed to decide and dispose of Revision Application No.68 of 2003 as early as possible and preferably within period of three months from the date of receipt of this order and as per the consensus, it is directed that till the revision application is heard, the petitioner as well as the respondent no.5 are directed to maintain status quo. It goes without saying that the Secretary (Appeals) will decide the revision application on merits and in accordance with law without in any way being influenced by the fact that this Court has directed to continue the order of status quo. Rule is made absolute to the aforesaid extent. Direct Service is permitted.

(M.R.Shah, J)
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